

## **Exhibit C**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

ROCK HILL DIVISION

Kevin Faile, Louis C. Roman, Alan R.  
DePalma, and Brian Scott Craton, all  
individually and on behalf of all  
other similarly situated individuals,

Plaintiffs,

vs.

Lancaster County, South Carolina,

Defendant.

Civil Action No. 0:10-cv-2809-CMC

**AFFIDAVIT OF KEVIN FAILE**

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

PERSONALLY appeared before me Kevin Faile, who, after being duly sworn, deposes and states the following:

1. My name is Kevin Faile. I am older than eighteen years of age and am fully competent to make this Affidavit. The statements in this Affidavit are based on my own personal knowledge.

2. I am the lead Plaintiff in the above-captioned case.

3. I have been an Emergency Medical Technician ("EMT")-Paramedic, licensed by the State of South Carolina since February 13, 2004, and have been a Nationally Certified EMT-Paramedic since January 28, 2004.

4. I have been employed by the Lancaster County Emergency Medical Services ("EMS")

Department full time since October 29, 2001, until my recent termination, which I am contesting through the County's grievance process. I was previously employed by the Lancaster County EMS Department on a part-time basis from September 1994 through September 1998, and was re-hired on a part-time basis in August 2001, before I transferred to full-time status in October of that year.

5. I am forty-six years old and have been a life-long resident of Lancaster County, South Carolina. I am familiar with the Lancaster County Government.

6. The Lancaster County Fire Service is primarily a volunteer fire service, with a few paid, career firefighters at some of the stations throughout the County. The Fire Service has its own command structure, with Morris Russell being the Director and Darren Player being the Deputy Director.

7. The Lancaster County EMS Department is an entirely separate department within the Lancaster County Government, with its own director and supervisors. I know of only one EMT in Lancaster County—Billy Lloyd—who is also a volunteer fire fighter with the Lancaster County Fire Service. Mr. Lloyd is actually employed in the Emergency Management Department of Lancaster County, but is an auxiliary member of the EMS Department. To the best of my knowledge, no other EMT in Lancaster County is employed by, or volunteers for, the Lancaster County Fire Service. I recall one incident several years ago when someone in the EMS Department was actually disciplined for performing fire suppression activities while working for the Lancaster County EMS Department and wearing an EMS uniform. I believe that person was Billy Lloyd, if I am recalling that correctly.

8. Most EMS stations in Lancaster County do not share the same facilities as the Fire Service vehicles or fire fighters. The only exception is EMS Station 5 in Tradesville, which is housed in the local fire station. Although the ambulance at Station 5 is housed in the same bay as

the firetrucks, EMS employees do not assist or help in any way to maintain or operate anything that is fire-related, such as fire suppression or fire training equipment. EMS employees in Lancaster County generally do not participate in any regular Fire Service activities such a fund raising. I believe that the EMS Department and the Fire Service in Lancaster County have entirely separate budgets.

9. I have never received any formal training or certificate in fire suppression activities from Lancaster County, nor have I been required to receive such training by the Lancaster County EMS Department during my employment there. Several years ago, from about 1994 to 2000, when I worked with E.I. DuPont in Camden, SC, I was on the fire brigade for the company and received fire suppression training in connection with my employment there. I did receive a certificate in industrial, interior fire fighting through the South Carolina Fire Academy; however, I have not kept up those credentials or received any fire suppression training for more than 10 years. I have never received any certificate or credentials as a public fire fighter.

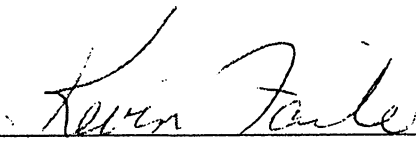
10. I do not believe that I have any legal authority or responsibility to engage in fire suppression activities as part of my employment with Lancaster County. No one has ever instructed me to participate in fire suppression activities as part of my employment in the EMS Department, and that is not part of our regular training as EMTs.

11. Throughout my employment with the Lancaster County EMS Department, EMTs have never been provided with fire-fighting turn-out gear or breathing apparatus, nor have the County ambulances been equipped with fire-fighting equipment other than perhaps a small fire extinguisher.

12. Occasionally, employees of the County EMS Department are dispatched to fire scenes

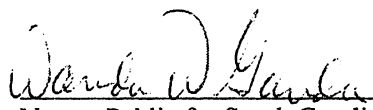
involving injuries to persons or as a stand-by for treatment of fire fighters for injury or heat exhaustion. In such cases, however, we are usually staged well away from the fire scene and are only called in for EMS treatment if needed. Our job at any fire scene is to provide first aid and life-saving medical assistance, not actually to fight the fire. In fact, the fighting of a fire would be inconsistent with our standard of care as medical providers, because the fire residue would contaminate the sterile, clean environment necessary for providing proper medical attention to patients.

FURTHER AFFIANT SAYETH NOT.

  
Kevin Faile

SWORN TO AND SUBSCRIBED

Before me, this 22<sup>nd</sup> day of July, 2011

 (L.S.)  
Notary Public for South Carolina

My commission expires: 10/29/2019